

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 SS-15 SSO-00 NSCE-00 A-01
OPR-02 OES-07 /039 W
-----075622 212158Z /64
O 211944Z MAR 78
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC IMMEDIATE 1652

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E.O. 11652: N/A
TAGS: TGEN, VE, OVIP (CARTER, JIMMY)
SUBJECT: PROPOSED AGREEMENT FOR SCIENTIFIC
AND TECHNOLOGICAL COOPERATION

REF: (A) 77 STATE 172521; (B) 77 STATE 196524 (C) 77 STATE 210655
(D) CARACAS 2518

1. THE MINISTRY OF FOREIGN AFFAIRS PROVIDED THE EMBASSY
A REVISED TEXT IN ENGLISH OF THE PROPOSED AGREEMENT FOR
SCIENTIFIC AND TECHNOLOGICAL COOPERATION ON MARCH 21 WHICH GOV
HOPES CAN BE SIGNED DURING THE PRESIDENT'S VISIT HERE
NEXT WEEK. THE TEXT PROVIDED BY THE GOV FOLLOWS CLOSELY
THAT PROPOSED BY THE DEPARTMENT IN JULY, 1977, AS TRANSMITTED
BY REF A AND AMENDED BY REFS B AND C. THE COMPLETE TEXT IS
GIVEN BELOW, FOLLOWING BY AN EXPLANATION OF EACH OF THE
CHANGES FROM THE TEXT WE PROPOSED.

BEGIN TXT

AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL
COOPERATION BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICAN AND THE GOVERNMENT
OF VENEZUELA

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THE GOVERNMENT OF VENEZUELA AND THE GOVERNMENT OF
THE UNITED STATES OF AMERICA, HEREAFTER REFERRED TO AS "THE
PARTIES":

--WISHING TO STRENGTHEN THE BONDS OF FRIENDSHIP AND
COOPERATION BETWEEN THE TWO COUNTRIES;

--UNDERSTAND THE IMPORTANCE TO SOCIAL AND ECONOMIC

DEVELOPMENT OF ESTABLISHING ENDOGENOUS SCIENTIFIC AND
TECHNOLOGICAL CAPABILITIES;

--DESIRING TO JOIN FORCES TO CONSERVE, IMPROVE AND PRESERVE
THE ENVIRONMENT AND RENEWABLE NATURAL RESOURCES OF THE
WESTERN HEMISPHERE THROUGH RESEARCH AND INTERCHANGE OF
EXPERIENCE AND;

--RECOGNIZING THAT INTERNATIONAL COOPERATION STRENGTHENS THE
SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES OF ALL COUNTRIES;

--HAVE AGREED AS FOLLOWS:

ARTICLE I

--THE TWO PARTIES SHALL PROMOTE SCIENTIFIC AND TECHNOLOGICAL
COOPERATION FOR PEACEFUL PURPOSES IN AREAS OF MUTUAL INTEREST

--THE PRINCIPAL OBJECTIVES OF THIS AGREEMENT ARE TO BROADEN
AND EXPAND RELATIONS BETWEEN THE SCIENTIFIC AND TECHNOLOGICAL
COMMUNITIES OF BOTH COUNTRIES AND TO STRENGTHEN SCIENTIFIC
AND TECHNOLOGICAL CAPABILITIES OF THE PARTIES IN THE INTEREST
OF ACCELERATING DEVELOPMENT.

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ARTICLE II

--COOPERATION UNDER THIS AGREEMENT MAY INCLUDE THE EXCHANGE OF
SCIENTIFIC AND TECHNOLOGICAL INFORMATION, CONDUCT OF JOINT
RESEARCH PROJECTS, THE EXCHANGE OF SCIENTISTS, TECHNOLOGICAL AND
TECHNICAL EXPERTS, THE CONVENING OF SEMINARS AND MEETINGS OF
EXPERTS, AND ANY OTHER FORM OF SCIENTIFIC COOPERATION, INCLUDING
TRAINING, WHICH MAY BE AGREED UPON BETWEEN THE TWO PARTIES.

ARTICLE III

--COOPERATION AS DESCRIBED IN ARTICLE II MAY INCLUDE ACTIVITIES
RELATED TO THE PRESERVATION AND RESTORATION OF THE ENVIRONMENT
AND RENEWABLE NATURAL RESOURCES, AND CONSERVATION OF FLORA AND
FAUNA.

ARTICLE IV

--PURSUANT TO THE TERMS OF THIS AGREEMENT, THE TWO PARTIES
WILL ENCOURAGE AND FACILITATE, WHEN THEY CONSIDER IT
APPROPRIATE, DIRECT CONTACT AND COOPERATION BETWEEN GOVERNMENTAL
AGENCIES, UNIVERSITIES, RESEARCH CENTERS, ENTERPRISES AND OTHER

INSTITUTIONS OF THE TWO COUNTRIES HEREAFTER REFERRED TO AS
"COOPERATING ENTITIES", AS WELL AS THE CONSLUSION, UNDER
EQUITABLE TERMS AND CONDITIONS, OF IMPLEMENTING AGRRANGEMENTS
FOR THE CONDUCT OF COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT.

ARTICLE V

--THE TWO PARTIES MAY, IN APPROPRIATE CASES, INVITE SCIENTISTS,
TECHNOLOGICAL, AND TECHNICAL EXPERTS, GOVERNMENTAL AGENCIES,
ENTERPRISES AND OTHER INSTITUTIONS OF THIRD COUNTRIES OR INTERNATIONAL
ORGANIZATIONS TO PARTICIPATE IN PROJECTS AND PROGRAMS BEING
CARRIED OUT UNDER THIS AGREEMENT.

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ARTICLE VI

--SHOULD EITHER PARTY OR AN AGENCY THEREOF WISH TO AVAIL
ITSELF OF TECHNICAL OR PROFESSIONAL SERVICES AVAILABLE FROM
THE OTHER PARTY, THE ASSUMPTION OF COSTS, BOTH DIRECT AND
INDIRECT, SHALL BE AGREED UPON BY THE INSTITUTIONS OR AGENCIES
INVOLVED.

ARTICLE VII

--EACH OF THE PARTIES SHALL, TO THE EXTENT PERMITTED BY
APPLICABLE LAWS AND REGULATIONS, ADOPT NECESSARY NEASURES
TO FACILITATE THE ENTRY INTO AND EXIT FROM THEIR RESPECTIVE
TERRITORIES OF THOSE PERSONS AND THEIR DEPENDENTS WHO MAY
CARRY OUT ACTIVITIES UNDER THIS AGREEMENT OR UNDER ARRANGEMENTS
ESTABLISHED IN CONFORMITY WITH ARTICLE IV.

--THE PERSONAL EFFECTS OF THE PERSONS REFERRED TO IN THIS ARTICLE,
AS WELL AS THE EQUIPMENT NECESSARY FOR THE EXERCISE OF THEIR
ACTIVITIES, WILL BE ADMITTED DUTY FREE ON A TEMPORARY BASIS IN
CONFORMITY WITH THE LEGISLATION OF EACH CONTRACTING PARTY. ADDITIONAL
SUCH MEASURES TO MEET THE NEEDS OF SPECIFIC COOPERATIVE
ACTIVITIES MAY BE AGREED BY THE INSTITUTIONS OR AGENCIES
INVOLVED.

ARTICLE VIII

--COOPERATIVE ACTIVITIES REFERRED TO IN THE PRESENT
AGREEMENT SHALL BE SUBJECT TO THE LAWS OF THE PARTY
IN WHOSE TERRITORY THEY TAKE PLACE AND, WITHOUT PRE-
JUDICE TO FINANCIAL ARRANGEMENTS AGREED PURSUAT TO
ARTICLE VI ABOVE, SHALL BE SUBJECT TO THE AVAILABILITY
OF APPROPRIATED FUNDS.

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ARTICLE IX

-- THE ALLOCATION OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS ARISING UNDER COOPERATIVE ACTIVITIES CARRIED OUT UNDER THIS AGREEMENT, SHALL ALSO BE SUBJECT TO THE LAWS OF THE PARTY IN WHOSE TERRITORY THEY TAKE PLACE. NOTWITHSTANDING THE FOREGOING, THE PARTIES, OR IN APPROPRIATE CASES, THE COOPERATING ENTITIES MAY AGREE UPON THE ALLOCATION OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS ARISING OUT OF COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT OR ANY IMPLEMENTING ARRANGEMENTS MADE PURSUANT TO THIS AGREEMENT.

ARTICLE X

-- DESIGNATED REPRESENTATIVES OF THE TWO PARTIES SHALL MEET WHEN NECESSARY IN ORDER TO EVALUATE PROGRESS IN THE PROGRAMS, PROJECTS AND ACTIVITIES UNDERTAKEN UNDER THIS AGREEMENT, AND TO FURTHER THEIR IMPLEMENTATION. GROUPS OF EXPERTS MAY BE DESIGNATED TO DISCUSS SPECIAL QUESTIONS.

ARTICLE XI

-- NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PREJUDICE OTHER ARRANGEMENTS FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE TWO PARTIES WHICH MAY EXIST PRIOR TO THE DATE OF THIS AGREEMENT.

ARTICLE XII

-- ALL DIFFERENCE OR CONTROVERSIES WHICH MAY ARISE BETWEEN THE PARTIES REGARDING INTERPRETATION OR APPLICATION OF THE PROVISIONS OF THIS AGREEMENT SHOULD BE RESOLVED THROUGH DIPLOMATIC CHANNELS

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ARTICLE XIII

-- 1. THE PRESENT AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF SIGNATURE, SHALL HAVE A DURATION OF FIVE YEARS, AND MAY BE EXTENDED OR MODIFIED BY MUTUAL AGREEMENT BETWEEN THE PARTIES.

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ACTION L-03

INFO OCT-01 ARA-10 ISO-00 SS-15 SSO-00 NSCE-00 A-01
OPR-02 OES-07 /039 W
-----075559 212157Z /64
O 211944Z MAR 78
FM AMEMBASSY CARACAS
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-- 2. THE EXPIRATION OF THIS AGREEMENT SHALL NOT BY ITSELF
AFFECT THE VALIDITY OR DURATION OF ANY AGREEMENT OR
ARRANGEMENT MADE UNDER IT.

-- 3. THIS AGREEMENT MAY BE TERMINATED BY EITHER OF THE
PARTIES, UPON SIX MONTHS NOTICE IN WRITING TO THE OTHER
PARTY.

-- 4. ANY TERMINATION WILL NOT AFFECT THE PROGRAMS AND
PROJECTS UNDERWAY EXCEPT AS THE TWO PARTIES MAY AGREE.

-- 5. THIS AGREEMENT DOES NOT SUPERSEDE OR INVALIDATE THE
AGREEMENTS EXISTING BETWEEN THE PARTIES EXCEPT TO THE EXTENT
THAT THEIR TERMS ARE INCONSISTENT WITH THE TERMS OF THE
PRESENT AGREEMENT.

DONE AT THIS DAY
OF IN DUPLICATE, IN THE ENGLISH AND SPANISH
LANGUAGES, BOTH BEING EQUALLY AUTHENTIC.

END TEXT

2. THE TEXT PROVIDED BY THE GOV CONTAINS THE FOLLOWING CHANGES
FROM THE US TEXT SENT TO THE EMBASSY IN REFTELS A, B, AND C.
WE HAVE REVIEWED THESE CHANGES WITH AMBASSADOR NAVA CARRILLO,
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THE RESPONSIBLE FOREIGN MINISTRY OFFICIAL, AND ARE INCLUDING HIS EXPLANATION OF THESE CHANGES. ARTICLES NOT LISTED BELOW HAVE NOT BEEN CHANGED.

PREAMBLE - 2ND ITEM - THE SEQUENCE OF THE PHRASING HAS BEEN REVERSED TO EMPHASIZE THE SOCIAL AND ECONOMIC DEVELOPMENT ASPECTS OF THE AGREEMENT,

PREAMBLE - 4TH ITEM - "STRENGTHENS" HAS BEEN SUBSTITUTED FOR "OFFERS POTENTIAL TO STRENGTHEN" TO FIRM UP THE TEXT.

ARTICLE I - 2ND PARAGRAPH - "OBJECTIVES" HAS BEEN SUBSTITUTED FOR "PURPOSES" AND THE REMAINDER OF THE PARAGRAPH HAS BEEN REPHRASED SO AS TO INCLUDE A SPECIFIC REFERENCE TO ACCELERATING DEVELOPMENT. THIS AND THE CHANGE IN PREAMBLE ITEM 2 REPRESENT THE GOV'S INTEREST IN STRESSING THE DEVELOPMENTAL ASPECTS OF THE GOVERNMENT.

ARTICLE II - A REFERENCE TO EXCHANGES OF "TECHNOLOGICAL" EXPERTS ALONG WITH SCIENTISTS AND TECHNICAL EXPERTS HAS BEEN INCLUDED. LOCAL SPANISH USAGE DISTINGUISHES BETWEEN TECHNOLOGICAL AND TECHNICAL EXPERTS, AND THE GOV WISHES TO REFER TO BOTH. THE REFERENCE TO OTHER FORMS OF "TECHNOLOGICAL" AS DISTINCT FROM SCIENTIFIC COOPERATION HAS BEEN DROPPED, APPARENTLY BECAUSE IT IS SEEN AS TOO BROAD A GENERALIZATION BY THE GOV.

ARTICLE IV - SUBSTITUTE "ENTERPRISES" FOR "FIRMS" AS ONE OF THE TYPES OF INSTITUTIONS SPECIFICALLY REFERRED TO AS POSSIBLE COOPERATING ENTITIES. AS WE HAVE REPORTED BEFORE, THE GOV HAS PROBLEMS WITH INCLUDING SPECIFIC REFERENCES TO PRIVATE COMPANIES IN THIS AGREEMENT, AND THIS SUBSTITUTION APPEARS TO BE AN ATTEMPT ON THEIR PART TO FIND A MORE LIMITED OFFICIAL USE

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NEUTRAL TERM.

ARTICLE V - INCLUSION OF "TECHNOLOGICAL" EXPERTS, AS IN ARTICLE II, AND SUBSTITUTION OF "ENTERPRISES" FOR "FIRMS" AS IN ARTICLE IV.

ARTICLE VII - THIS ARTICLE HAS BEEN SPLIT INTO TWO PARAGRAPHS. NO CHANGE IS MADE IN THE TEXT.

ARTICLE VIII - NO CHANGE IS MADE IN THE FIRST SENTENCE OF THIS ARTICLE, BUT THE SECOND SENTENCE HAS BEEN SHIFTED TO ARTICLE IX.

ARTICLE IX - THE SECOND SENTENCE OF ARTICLE VIII OF THE US VERSION HAS BEEN REPHRASED AND ADDED TO THIS ARTICLE. THE

ORIGINAL TEXT OF THIS ARTICLE HAS ALSO BEEN SLIGHTLY REPHRASED, INCLUDING THE SUBSTITUTION OF "MAY" FOR "SHALL". THE TOTAL EFFECT OF THESE CHANGES IS TO CONSOLIDATE REFERENCES TO INDUSTRIAL AND INTELLECTUAL PROPOERTY RIGHTS IN THIS SINGLE ARTICLE, AND MAKE CLEAR THAT THE ALLOCATION OF THESE RIGHTS IS SUBJECT TO LOCAL LAW UNLESS SPECIFICALLY DECIDED OTHERWISE.

ARTICLE XII - THE GOV CONSIDERS THE TERM DIPLOMATIC "CHANNELS" TO BE MORE APPROPRIATE THAN DIPLOMATIC MEANS".

3. THE NEW GOV PROPOSAL APPEARS TO ACCEPT ALL MAJOR CHANGES MADE BY THE DEPARTMENT IN THE EARLIER GOV TEXT, PER PARAGRAPH 3 OF REF A. THE CHANGES CONTAINED IN THIS NEW GOV TEXT DO NOT APPEAR TO BE SUBSTANTIVE, AND WE THEREFORE RECOMMEND THAT USG AGREE TO THIS TEXT. THE GOV APPEARS VERY INTERESTED IN INCLUDING THIS AGREEMENT AMONG THOSE TO BE SIGNED DURING PRESIDENT CARTER'S VISIT HERE MARCH 28 - 29. IF IT IS TO BE INCLUDED, HOWEVER, WE MUST ADVISE THE GOV OF THIS BEFORE MIDDAY MARCH 22, SINCE ALL RESPONSIBLE OFFICIALS WILL BEGIN THEIR EASTER VACATION ABOUT THAT TIME. WE WILL ALSO NEED A SPANISH TEXT OF THE AGREEMENT FROM THE DEPARTMENT NO LATER LIMITED OFFICIAL USE

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THAN THIS WEEKEND. THIS TEXT COULD BE HAND CARRIED BY MR. LARRY FARRAR OF THE EXECUTIVE SECRETARIAT, WHO WILL BE TRAVELING TO CARACAS ON FRIDAY, MARCH 24.
VAKY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, SCIENTIFIC COOPERATION, TEXT, TECHNOLOGICAL EXCHANGES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: CARACAS
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1978/newtext/t19780344/aaaabkye.tel
Line Count: 363
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Locator: TEXT ON-LINE, ON MICROFILM
Message ID: acdb60c3-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
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Reference: 77 STATE 172521, 77 STATE 196524, 77 STATE 210655, 78 CARACAS 2518
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Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
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Subject: PROPOSED AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION
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To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/acdb60c3-c288-dd11-92da-001cc4696bcc
Review Markings:
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